

04/30/2020

JULIA C. DUDLEY, CLERK
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IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA	:	Criminal No. 3:19 CR 00014 (NKM)
	:	
v.	:	
	:	
DANIEL MCMAHON	:	
	:	

STATEMENT OF OFFENSE

The offenses described below occurred in Charlottesville, Virginia, which is within the Western District of Virginia; Brandon, Florida, which is within the Middle District of Florida; ~~as well as other districts~~. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

I. Count One -- Bias-Motivated Intimidation and Interference with D.G., A Candidate for Elective Office

Had this matter proceeded to trial, the United States would have proven beyond a reasonable doubt that the defendant, Daniel McMahon, by threat of force, willfully intimidated and interfered with, or attempted to intimidate and interfere with, D.G., because of his race and because he was qualifying and campaigning as a candidate for the Charlottesville City Council, an elective office in Charlottesville, Virginia. In proving the elements of the offense, the Government would have proven the following facts at trial beyond a reasonable doubt.

The defendant is active online under the pseudonym "Jack Corbin," as well as under the names "Pale Horse," "Restore Silent Sam," and "Dakota Stone," among others. The defendant, under these pseudonyms, uses multiple online platforms to promote white supremacy and white nationalist ideology, the social and racial policies of Nazi-era Germany, and to express support for racially-motivated mass shootings. In March 2018, the FBI identified the defendant, and his pseudonym "Jack Corbin," in connection with a separate investigation into white supremacist activity in Charlottesville in the fall of 2017. At that time, the defendant (as Jack Corbin) had

Defendant's Initials: *DM*

posted a YouTube video that depicted members of a white supremacist group committing acts of violence in furtherance of a riot against counter-protestors during the Unite-the-Right rally in Charlottesville on August 12, 2017. The defendant entitled the video, "Proof Antifa Started the Violence in Charlottesville." In fact, the defendant had no personal knowledge of the events in Charlottesville, and the video depicted white supremacists attacking counter-protestors without provocation, rather than any violence instigated by counter-protestors.

After the Unite-the-Right rally, and through January 9, 2019, the defendant went to great lengths to obtain personal information about individuals who he believed participated in the counter-protests in Charlottesville. This included D.G., a sixty-year-old African-American resident of Charlottesville, who had been active in the city's civic life for a number of years.

On January 7, 2019, local news outlets in Charlottesville reported that D.G. planned to formally announce his candidacy for Charlottesville City Council at a campaign kick-off event set for January 8, 2019. Within hours of this news, the defendant (as Jack Corbin) posted multiple threats to D.G. on the social media platform Gab. Gab is a publicly available social media platform that allows users to create a profile, post public messages (including images), and follow/unfollow others. In the posts, the defendant threatened to use violence against D.G. to stop his candidacy and election to the Charlottesville City Council, and the defendant asked others to join him in achieving this goal. The defendant intended for D.G. to understand the Gab postings as threats. The threats labelled D.G. as a "nigger terrorist," explicitly warned, "do not run for office," issued "a formal warning [to D.G.]," ordered him to "drop out now," and endorsed "a diversity of tactics," to stop D.G.'s candidacy. For the defendant and in the white supremacist community generally, the phrase "a diversity of tactics" is a known euphemism for violence, and the defendant used this phrase intentionally, to endorse the use of violence against D.G. The defendant's threats also invoked racial stereotypes of African-American men as "dangerous," "anti-White," and a threat to the physical safety of white women.

When D.G. learned of the defendant's threats, he ended his candidacy at what was supposed to be his campaign kick-off event. Following D.G.'s announcement, on January 9, 2019, the defendant (as Jack Corbin) publicly posted on Gab, "Hail victory!" because the defendant recognized he had successfully interfered with D.G.'s campaign and intimidated D.G. from running for office.

In sum, when the defendant posted these threats on Gab between January 7 and 9, 2019, he acted willfully. The defendant intended to interfere with D.G.'s candidacy and to intimidate him from running for office, and the defendant acted because of D.G.'s race, and because D.G. was seeking elective office in Charlottesville, Virginia.

II. Count Two – Cyberstalking of Victim 2

Had this matter proceeded to trial, the United States would have proven beyond a reasonable doubt that the defendant Daniel McMahon, with the intent to injure, intimidate, and harass Victim 2, used Facebook, an internet-based electronic communication service and facility

Defendant's Initials: 

of interstate and foreign commerce, to engage in a course of conduct of sending intimidating and threatening messages to Victim 2 that placed Victim 2 in reasonable fear of serious bodily injury to Victim 2's immediate family member, and that caused, attempted to cause, and was reasonably expected to cause substantial emotional distress to Victim 2 and her immediate family member. In proving the elements of the offense, the Government would have proven the following facts beyond a reasonable doubt at trial.

On September 18, 2019, the FBI arrested the defendant for the conduct related to Count One of the Superseding Information, charging a violation of 18 U.S.C. § 245(b)(4), and searched his home in Brandon, Florida. As news of his arrest began circulating in the media and online, one person, Victim 2, contacted the U.S. Attorney's Office for the Western District of Virginia and reported that the defendant had recently used Facebook to threaten her and her minor daughter.

Victim 2 is active in her community and has become involved in countering pro-Confederate/White-Nationalist protests. As a result, the defendant, who actively supported Confederate/White-Nationalist protests, learned about Victim 2 and began an online campaign to intimidate her by making extortionate threats.

On September 4, 2019, the defendant attempted to privately contact Victim 2 using one of his Facebook accounts called "Restore Silent Sam." Victim 2 did not respond. Then, on September 14, 2019, the defendant tried to privately contact Victim 2 again using Facebook. This time the defendant persisted because he wanted to identify and obtain personal information about another counter-protestor whom he had dubbed "Skinny Girl." In his conversations with Victim 2, the defendant first identified several counter-protestors by name and commented, among other things, that several of them are "afraid of me." The defendant also sent Victim 2 a picture of several people and said, "Look it's your boss, black tank top! Skinny Girl!" Other than sending a few messages suggesting that the defendant had confused her with someone else, Victim 2 did not discuss what the defendant wanted to discuss. Finally, after about 15 messages sent over the course of two separate days, the defendant said he knew how to make Victim 2 talk and had the following exchange in which he sought to extort information from Victim 2 regarding "Skinny Girl's" identity by threatening Victim 2's autistic minor child:

DEFENDANT: Oh I can make you talk.

DEFENDANT: I know the spot which will make you talk.

VICTIM 2: How's that?

DEFENDANT: How's your autistic daughter?

DEFENDANT: Maybe I should ask her a few questions? Is she old enough to get a little...

DEFENDANT: ...frisky?

Defendant's Initials:



DEFENDANT: [Smiley Face Icon]

DEFENDANT: I wonder what's more important to you? Antifa or her?

DEFENDANT: Shall we find out?

DEFENDANT: Oh you're quiet now huh?

DEFENDANT: Tell Skinny Girl to contact me.

DEFENDANT: You want me to not mess around in [Location 1] anymore? That's up to her.

DEFENDANT: You would choose your Antifa crap over your own autistic daughter?

DEFENDANT: I guess you don't love her.

DEFENDANT: You put Skinny Girl before your own disabled daughter.

DEFENDANT: [Image] Middle, between [Person 1] and [Person 2].

DEFENDANT: Tell her to contact me.

DEFENDANT: Tell her to stop being so scared.

DEFENDANT: Do it for your autistic daughter.

DEFENDANT: She started all this.

DEFENDANT: She better be willing to finish it.

...

DEFENDANT: Is she into men?

DEFENDANT: If not...I can be her first.

DEFENDANT: I'd like to see her in a dress.

DEFENDANT: The same one your autistic daughter was wearing.

Defendant's Initials:



DEFENDANT: Is she a virgin? Your daughter?

DEFENDANT: What's wrong [Victim 2]?

DEFENDANT: I just wanna know if your daughter is of age of consent.

DEFENDANT: I can make her real happy if she is.

DEFENDANT: Sounds like you want that.

DEFENDANT: Maybe we can get her a rebel flag tramp stamp after she gets that little cherry popped!

DEFENDANT: I'm a gentleman.

DEFENDANT: I'll be very gentle with her, I promise.

DEFENDANT: Then I'll get her some ice cream after!

DEFENDANT: That's what she and you want right [Victim 2]?

DEFENDANT: I think you get off to it.

DEFENDANT: Maybe we should talk to Skinny Girl about it huh?

DEFENDANT: The one you care more about than your own daughter.

...

DEFENDANT: [Victim 2], are you a pretty girl?

DEFENDANT: Like your daughter?


DEFENDANT: Skinny Girl, have her contact me.

...

DEFENDANT: You failed your daughter.

DEFENDANT: You chose Antifa, a terrorist group, over your own daughter.

Defendant's Initials:



DEFENDANT: And you know it, [Victim 2]

Then, a couple days later, the defendant continued to threaten Victim 2's minor child and insist that Victim 2 provide information about "Skinny Girl."

DEFENDANT: Isn't your daughter an incel?

DEFENDANT: Your autistic daughter?

DEFENDANT: If she wants her cherry popped, I'll gladly do it if she is of age of consent, but she must promise not to flap her wrists when I go down on her.^a [Winking Face Icon].

VICTIM 2: What kind of monster says those things?

DEFENDANT: Oh did I strike a nerve?

DEFENDANT: Maybe you should have put your daughter before your Antifa terrorism?

DEFENDANT: You see... Your kind [h]as no honor.

DEFENDANT: I have no reason to show you any sort of mercy.

DEFENDANT: Your wrist flapping daughter is fair game.

DEFENDANT: Hell, I got an Antifa who suffered a brain injury to tell me so much info.

DEFENDANT: Your Antifa thugs attacked my brother, with sucker punches and blunt objects, chased him with ASP batons and firearms, tried to murder him in Charlottesville.

DEFENDANT: Your Antifa thugs disrespected the dead...

DEFENDANT: And your Antifa thugs wanted to target my family.

DEFENDANT: And so I have no reason to be kind to you.

^a Some people with autism engage in self-soothing repetitive behaviors. Some of those behaviors are rocking, twirling, and hand motions that may appear to be flapping.

Defendant's Initials: 

DEFENDANT: The only useful thing about you...

DEFENDANT: Is your womb.

DEFENDANT: That's it!

DEFENDANT: Skinny Girl could end all this, but you wanna put her before your own wrist flapper daughter.

...

DEFENDANT: Pretty funny how easy it is to find out my enemy's weakness huh?

DEFENDANT: I know your weakness.

DEFENDANT: And that's your little wrist flapper.

DEFENDANT: Your daughter.

DEFENDANT: The more your thugs hide, the nastier I'll get.

DEFENDANT: Your thugs set the terms, not me.

DEFENDANT: Set up the meeting.

DEFENDANT: Me and Skinny Girl.

DEFENDANT: I've seen her face, it's over.

DEFENDANT: No more hiding.

DEFENDANT: If you wanna confront me, you better be about it!

DEFENDANT: Or rather, Skinny Girl.

DEFENDANT: Like I said, she's the only one who can end this, no one else, except maybe her friend Goblin Girl.

Approximately two days after that, and after no substantive response from Victim 2, the defendant continued:

DEFENDANT: I should post a pic of your wrist flapper on Gab.

Defendant's Initials:



DEFENDANT: Sound like a good idea? Where's Skinny at?

DEFENDANT: Oh now you're listening!

DEFENDANT: What's her name?

DEFENDANT: Make it easy on all of us.

DEFENDANT: Ok . . . Guess I Need to do a countdown.

DEFENDANT: You have 1 minute!

DEFENDANT: My stop watch is going. Name of Skinny Girl please?

DEFENDANT: 30 seconds!

DEFENDANT: Oh too slow [Victim 2]!

DEFENDANT: Hahaha!

DEFENDANT: Hey you made the choice not me.

VICTIM 2: You have no picture. You know nothing.

VICTIM 2: You're a sad, pathetic loser.

DEFENDANT: lol

DEFENDANT: [Photo of Victim 2's daughter]

DEFENDANT: "Hi mommy!"

DEFENDANT: "flap flap flap flap flap"

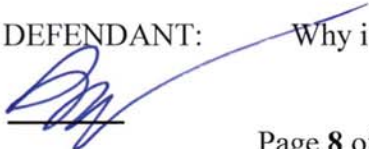
DEFENDANT: Hahahaha!

DEFENDANT: So about Skinny Girl . . . Let's talk about her, now that you know I'm for real. [Winking Face Icon]

DEFENDANT: I'm not really interested in your daughter flappy.

DEFENDANT: Why is Skinny Girl so afraid of me?

Defendant's Initials:



DEFENDANT: Just wanna talk!

DEFENDANT: Don't you care about Flappy more than Skinny Girl?

Around the same time the defendant sent messages, to Victim 2, the defendant also used the internet to conduct searches related to his threats. For example, on September 17, 2019, the defendant used Google to conduct the following four searches: "sex with autistic girls," "sex with autistic girls," "sex with autistic girls," and "sex with aspergers girls."

The defendant placed great value on identifying the person whom he had dubbed "Skinny Girl." Online, the defendant bragged to other like-minded individuals that he spent his time identifying counter-protestors and offered his advice about how to kill such counter-protestors. Prior to the defendant threatening Victim 2 and her minor child, Victim 2 saw the following messages, which the defendant posted to Facebook using the pseudonym "Dakota Stone:"

DEFENDANT: I'm the Antifa hunter. I'm pretty famous for it actually . . . I ID'd over 850 Antifa who went to C[harlottes]ville . . . Most of the Chapel Hill, Carrboro, and Durham were doxed by me.


DEFENDANT: [Photographs] But in every pic, you will notice a girl. The same girl, every pic . . . I call her "Skinny Girl". I must find her first and last name. . . I got the other one [leader] to quit . . . Because I put the fear of God into the other leader. She knew if she didn't quit, she would be found, I got her workplace, that's a checkmate . . . the old leader I call "Goblin Girl".

DEFENDANT: God put me on this Earth to hunt and stop Antifa.

DEFENDANT: If they attack you, you must kill them in self defense with the Stand Your Ground law.

DEFENDANT: If an Antifa attacks you, you can kill them in self defense with a gun, just shoot the Antifa 2-4 times if they attack you first, and claim Stand Your Ground. Easy.

Given the defendant's promotion of the use of violence against counter-protestors and the threatening and obscene descriptions of what he planned to do to Victim 2's autistic minor child if Victim 2 did not comply with his demands for information about "Skinny Girl," the defendant's extortionate threats and intimidation caused Victim 2 serious emotional distress and made her

Defendant's Initials: 


scared for the safety of her minor child. Moreover, Victim 2's fear and emotional distress was reasonable given the nature and language of the defendant's threats, the defendant's promotion of violence, and, among other things, the defendant's internet research related to the threatened sexual assault of Victim 2's autistic minor child.

The defendant was in Florida during all of the online conversations with Victim 2 described in this statement of facts, while Victim 2 was not.


~~2-25-20~~ 2-25-20
Date


Daniel McMahon
Defendant


2/25/20
Date


Jessica Phillips
Counsel for Daniel McMahon


4/23/20
Date


Christopher Kavanaugh
Assistant United States Attorney
Western District of Virginia

4/23/20
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Trial Attorney, Civil Rights Division
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4/23/20
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Daniel George
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Defendant's Initials:

